

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WEN JIAN ZOU,

Petitioner,

v.

ERIC HOLDER, et al.,

Respondents.

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Civil Action No. **3:10-CV-162-L-BF**

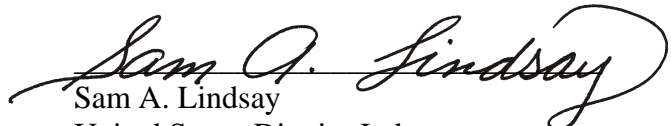
MEMORANDUM OPINION AND ORDER

Before the court are 1) Petitioner's Motion to Expedite, filed August 18, 2010; and 2) Unopposed Motion to Dismiss Petition for Writ of Habeas Corpus for Being Moot, filed August 24, 2010. After reviewing the motions, record, and applicable law, the court **denies as moot** Petitioner's Motion to Expedite and **grants** Unopposed Motion to Dismiss Petition for Writ of Habeas Corpus for Being Moot.

Petitioner Wen Jian Zou ("Petitioner") originally filed his petition for writ of habeas corpus on January 28, 2010, seeking release from the custody of United States Immigration and Customs Enforcement ("ICE"). On August 20, 2010, Petitioner was released from ICE's custody on an Order of Supervision. Respondents' Ex. 2. Because the only relief Petitioner requests is to be released from ICE's custody pending his removal to China, he has received all of the relief originally sought. His petition for writ of habeas corpus is therefore moot; there is no actual, ongoing case or controversy for the court to adjudicate. *See Deakins v. Monaghan*, 484 U.S. 193, 199 (1988); *Alwan v. Ashcroft*, 388 F.3d 507, 511 (5th Cir. 2004). Accordingly, the court determines that it lacks jurisdiction to consider the petition for writ of habeas corpus because the issue is moot.

The court therefore **grants** Unopposed Motion to Dismiss Petition for Writ of Habeas Corpus for Being Moot and **dismisses** the petition for writ of habeas corpus pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for want of subject matter jurisdiction. As there is nothing for the court to resolve, the court also **denies as moot** Petitioner's Motion to Expedite.

It is so ordered this 26th day of August, 2010.


Sam A. Lindsay
United States District Judge